

Minutes of the Plan Commission – Town of Spring Green

August 21, 2018 - Spring Green Town Hall, E4411 Kennedy Road, Spring Green, WI 53588

Attendees: Dan Vetter, Sandy Lochner, Richard Blakeslee, Dale Clark, Jeff Maier, Todd Deibert, Dave Mack

1. Meeting called to order by Iausly at 7:00 pm.

2. Roll call Plan Commission members present: Fred Iausly, Carla Carmody, Michelle Thomas, Kolby Hirth; excused: Nate Robson; absent: none

3. Iausly attested that proper public notice had been made.

4. Motion to approve minutes of the July 10, 2018 meeting by Thomas, seconded by Carmody with addition of “or bike path” under calculated fee in lieu of land.

5. Motion approving agenda as posted by Thomas, seconded by Carmody. Motion carried.

6. Public comment: None.

7. Updates & Communications:

a. Snyder CSM.

Irv Snyder contacted Iausly to inform that he will be leaving his land in its current configuration and not submitting a CSM.

b. JEZC – Luther property on Rainbow Rd, possible land division and rezone

There is a possible purchase of the Luther farm on Rainbow Rd with the intention to partition off the existing home and outbuildings, so there may be a CSM coming for review.

c. Peterzak driveway application

The Peterzak's have submitted a driveway application through their attorney in which they propose no changes to the existing drive. The Town responded that the application would not be processed without submittal of the driveway construction fee.

8. Business Items:

a. Zoning: Consultation with Dan Vetter on options for rezoning E2570 Olson Rd.

Vetter relayed that he has been working with Brian Simmert, and previously with Steve Sorenson, at County Conservation, Planning and Zoning (CPZ) both of whom advised that he could tear down an old shed and replace it with a garage with a building permit. Vetter said he has worked through the process of vacating platted streets and combining lots with a CSM, but is now advised that he needs to apply for a variance or could apply for a change in zoning because the property has a detached garage and the residential zoning allows for only 1 accessory structure. Vetter relayed that he has purchased trusses, steel and a door because he wants to store equipment inside, rather than uncovered outdoors. He said that his efforts have been an

improvement and he intends to keep up the property. Vetter expressed frustration at the costs associated with this property, including a failed septic system that was not disclosed by the seller or real estate agent or uncovered by inspection. He does not want the added expense of applying for a variance and noted that a nearby property owned by Tom Dedrick has both a detached garage and accessory structure.

Iausly clarified that the septic situation and incumbent costs is not related to zoning and that the zoning process requires a submittal to the County, which then comes to the Town for opinion. Iausly continued explaining that the plat was established in the mid-1800s, when there was minimal, if any, consideration to planning, however zoning districts are now established. Iausly pointed out that on both sides of Olson Road is single family residential; he was not inclined to a rezone to Ag, especially with some history of conflicting uses within the Town, and solicited input from other Commission members. Hirth said it would be difficult to support a change to Ag zoning because it would be an illegal spot zoning and create conflicting adjacent zoning with residential on either side and across the street.

Hirth said that a variance or connecting the garage to the primary structure would be most appropriate. Hirth relayed that her own property is an example of an added covered walkway connecting a 2 ½-car garage+workshop on floating slab to a primary residence with foundation. Hirth said, if done properly, it would not structurally compromise the primary structure, though the tie-in would need particular attention including bat exclusion from soffits. Hirth extended an offer for Vetter to inspect their walkway connection from below and from the roof. Vetter asked if it would increase property taxes. Hirth replied that it would not increase living space, but it would affect homeowner's insurance because the connected garage would be classified as an attached garage. Iausly said that option would allow for a new 1200 sf accessory structure, which would affect assessment. Vetter stated he has a plan moving forward and not undertaking a rezone.

b. CSM: Presentation by Sandy Lochner for CSM ay S11850 Raymer Rd and E6224 County Highway WC.

Lochner presented a CSM for which there were no questions or comments. Thomas motioned, Carmody seconded for recommending approval as presented. Motion carried. Iausly advised Lochner to bring the official CSM to the Sept. 9 Board meeting.

c. CSM: Presentation for proposed CSM at E2954 Mercer Rd for Heidi Nemitz.

Richard Blakeslee, surveyor from Reedsburg, presented a proposed CSM which reconfigures an existing parcel to bring the well, outbuildings and residence into a single parcel of the estate; its irregular border along the north follows existing cropland, which will be sold to an adjacent landowner. Thomas noted that the 2.55 acre parcel is legal nonconforming [because less than 5 acre. Iausly motioned, Carmody seconded for recommending approval as presented. Motion carried. Iausly advised that Nemitz or a representative should be present with the official CSM at the Sept. 9 Board meeting.

d. Mineral Extraction: Special Exception permit for non-metallic extraction for Dale Clark on property to the northeast and southeast of the intersection of Big Hollow Rd and CTH G.

Iausly had e-mailed Commissioners a draft County BOA staff report, and Clark presented a hardcopy plan from County CZP, for continuation of a non-metallic mining operation began in 2013. This request is for continuation on 3 separate sites for a very similar activity to that approved in 2013 with 8 conditions, though this plan also includes a notice of intent (NOI) for storm water management because >1 acre will be disturbed and an updated soil reclamation in accordance with guidance from a DNR audit of the County. The Plan Commission reviewed the previous (Jan. 2013) 8 conditions as they pertain to the proposed continuance of operation:

1) Bonding for roads for damage to surface or removal of spilled materials.

Parcel 3 adjoins CTH G but the extraction area is along Pearl Rd, about half of which is gravel; visibility is much better than the area of initial extraction.

2) Hours 7AM – 7 PM (Mon-Fri) and 7AM – noon (Sat).

Clark commented that none of his operators had any complaints with the hours and he was not seeking any change.

3) Limit stockpile to avoid excessive blowing due to wind erosion to protect neighboring homes and farm operations, and to preserve visibility on CTH G.

The area of extraction on parcel 3 is to the northeast along Porter Rd, which is gravel along that length and has better visibility.

4) All stockpiles to be removed within 1 year after mining is completed.

Parcel 1 has been largely reclaimed for Ag use, with a remnant stockpile awaiting a market. Parcel 3 is active with piles of sand and topsoil. The land will be reclaimed according to the plan. Parcel 2 is not planned for immediate activity, though included to allow access to materials, if necessary.

5) Protect neighboring properties from future flooding.

All erosion and storm water will be directed into the active site and no storm water runoff will leave the property; the Clark property is actually subject to runoff from neighboring parcels. Stockpiles will be seeded and stabilized per the plan.

6) Preserve existing woodlots for windbreak.

The active site has no existing woodlots.

7) Drainage ties into, and does not alter the path of, the Big Hollow Drainage (BHD) ditch.

All storm water will be retained onsite and will infiltrate.

8) Depth of extraction >4' above groundwater.

Todd Diebert, Jewell & Assoc., relayed that borings verify their mode of operation meets this criterion.

Clark relayed that he does not have a bond, but an irrevocable line of credit from the bank, so requested a change of verbiage from bonding to financial assurance. Thomas asked if the special exception permit would allow him to work on parcel 2. Iausly answered yes, but he would have to show a reclamation plan for it and the BHD condition could apply. Iausly moved, Carmody seconded to recommend approval of the special exception permit with five conditions:

- 1) Provide financial assurance for town roads to cover damages to the road surface and to remove any materials off of a town road.
- 2) Hours of operation, 7am to 7pm (Monday thru Friday) and 7am to noon (Saturday).
- 3) Limit material stockpiles to prevent excessive sand blowing due to wind erosion, to protect neighboring homes and farm operations and visibility on County Highway G.
- 4) Storm water remains on-site and not to Big Hollow Ditch.
- 5) Depth of extract shall not be closer than 4 feet from the ground water.

Motion carried. Iausly advised Clark for the Sept. 9 Board meeting.

e. Subdivision: Discussion with Jeff Maier regarding Developer's Agreement for the proposed subdivision off of Kennedy Rd and west of Ivy Ln.

Iausly distributed 3 sample Developer's Agreement (DA). Todd Diebert, of Jewell and Assoc., presented an undated preliminary plat for a 36-lot single-family residential subdivision (Timber Run) south of Kennedy Road and west of Ivy Lane; it was updated with deeper lots along Kennedy Rd to facilitate improved vegetative screening from the road. The Commission reviewed sample DAs and Chapter 7 Land Division/Sub-division ordinance.

The Plan Commission discussed pavement width to be a minimum of 22' and base width of 26', as per 7.09(3)(a); foundation openings be at least 2' above base flooding elevation (grade of the road, as explained by Iausly), as per 7.09(6)(g); inclusion of Fee in Lieu of Land, as per 7.03(4)(f); inclusion of a Utility section similar to the example Cross Lanes Estates DA for utilities buried within the road ROW, in accordance with 7.03(5)(b). Maier confirmed that the subdivision will be served by natural gas and that a conduit for expected future fiber optic will also be laid.

Maier reported that the red pine has been cleared, with several remaining white pine and oak. Each lot will have a utility box at a corner lot line within the road ROW. Maier inquired about the rigidity of the schedule for completion of asphalt road. 7.03(5)(f) specifies that the asphalt be laid after 1 freeze-thaw cycle after the plat is recorded, but no later than July 1 after that freeze-thaw. Maier relayed his desire to finish the road in 1 phase to control costs and to make the lots more desirable for sale/improvement. Maier is anticipating sale/improvement of 3-6 lots/year. The Commission discussed the vulnerability of a dedicated town road to damage from heavy equipment during improvement of subsequent lots. Iausly suggested a not-to-exceed 2 freeze-thaw cycles might be reasonable, and also suggested careful consideration for timing the plat recording. Maier said that some Developers initially lay the base and only 1 ½" asphalt until most or all of the lots are built, and then finish with a final 1 ½" asphalt; he offered to research this option. Commissioners agreed this option should be presented to the Board.

Hirth remarked that after further consideration of last month's discussion of including a prohibition of discharging firearms in the DA, she made public comment at the Sept. 2 Board meeting suggesting that the more appropriate action would be Board consideration of an ordinance setting a minimum distance from residential structures, which is not zoning specific - because placing the onus onto a Developer is

an unfair burden and because it does not address the problem for existing residents. Accordingly, Hirth retracted her suggestion from last month's meeting.

Iausly said he would forward notes [including dedication of public ROW including extra width for wider shoulder on Kennedy Rd to accommodate bikes; fee in lieu of land; options for timeline to complete road construction and dedication to the town; no lot with drive onto Kennedy Rd; lowest level of foundation opening at least 2' above street grade; no street lights; conduit for fiber optic utility; covenant for maintaining and not altering roadside drainage pitch, etc.] to Chairman Lins for review by Town counsel, and asked that any further considerations be sent to him as soon as feasible. Iausly advised that Maier bring a \$5000 deposit for attorney and engineering review of the preliminary plat, per 7.13(4), to the Sept. 9 Board meeting.

f. Comprehensive Plan: Discuss areas for potential update.
Deferred.

9. Next Meeting Date: September 11, 2018 at 7:00 pm

10. Adjournment: Motion to adjourn by Carmody, seconded by Thomas at 9:15 pm.
Motion carried.

(_____, Secretary)

(Fred Iausly, Chairperson)